



#74
Attorney Docket: LINX08US

DECLARATION AND POWER OF ATTORNEY

As below-named inventors, we hereby declare that: our residence, post office address, and citizenship are as stated below next to our names; that we believe we are the original, first, and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DISTRIBUTED NETWORK, SPREAD-SPECTRUM SYSTEM
the specification for which was filed on December 6, 2000,
having Serial No. 09/729,911.

We hereby state that we have reviewed and understand the contents of the above-identified patent application, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

We hereby appoint the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: David B. Newman, Jr., Registration No. 30,966.

Please address all correspondence to:

DAVID NEWMAN CHARTERED
Centennial Square
Post Office Box 2728
La Plata, Maryland 20646-2728
Telephone No. (301) 934-6100

We hereby declare that all statements made herein of our

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own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of inventor:

Donald L. Schilling

Residence:

13046 Redon Drive
Palm Beach Gardens, Florida 33410

Post Office Address:

13046 Redon Drive
Palm Beach Gardens, Florida 33410

Citizenship: United States


Date: 2/28/01

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Name of inventor:

Joseph Garodnick

Residence:

56 Wild Goose Way
Centerville, Massachusetts 02632

Post Office Address:

56 Wild Goose Way
Centerville, Massachusetts 02632

Citizenship: United States

John Garodnick

Date: 3/5/01

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DECLARATION CLAIMING SMALL ENTITY STATUS

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Linex Technologies, Inc.

ADDRESS OF CONCERN:

187 Highway 36
West Long Branch, New Jersey 07764

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. Further, the concern has not licensed, and has no obligation to license, this patent application or any patent which may issue from this patent application, to an entity which would not qualify as a small business concern. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly, or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

DISTRIBUTED NETWORK, SPREAD-SPECTRUM SYSTEM
and disclosed in a patent application filed December 6, 2000,
having serial no. 09/729,911, by inventor

Donald L. Schilling

and

Joseph Garodnick

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due on the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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NAME OF PERSON SIGNING Donald L. Schilling

TITLE OF PERSON Chairman of Board of Directors

ADDRESS OF PERSON SIGNING

Residence: 13046 Redon Drive

Palm Beach gardens, Florida 33410

SIGNATURE 

DATE 2/28/01

CORPORATE SEAL 

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ASSIGNMENT

WHEREAS, WE:

DONALD L. SCHILLING, a citizen of the United States,
residing at

13046 Redon Drive
Palm Beach gardens, Florida 33410

and

JOSEPH GARODNICK, a citizen of the United States,
residing at

56 Wild Goose Way
Centerville, Massachusetts 02632

as assignors, have made an invention entitled:

DISTRIBUTED NETWORK, SPREAD-SPECTRUM SYSTEM
for which a patent application was filed December 6, 2000, having
serial no. 09/729,911.

WHEREAS,

Linex Technologies, Inc.
a corporation of New Jersey, whose post office address is

187 Highway 36
West Long Branch, New Jersey 07764

as assignee, is desirous of securing the entire right, title, and
interest in and to this invention in all countries throughout the
world, and in and to the application for United States Letters
Patent on this invention and the Letters Patent to be issued upon
this application;

NOW THEREFORE, be it known that, for good and valuable

consideration the receipt of which from assignee is hereby acknowledged, we, as assignors, have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto assignee, its lawful successors and assign, our entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof, and all rights to claim priority on the basis of such application, and all applications for Letters Patent which may hereafter be filed for this invention in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof, and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this invention to assignee, its successors and assign, in accordance with the terms of this Assignment;

AND, WE HEREBY covenant that we have full right to convey the interest assigned by this Assignment, and I have not executed, and will not execute any agreement in conflict with this Assignment;

AND, WE HEREBY further covenant and agree that we shall, without further consideration, communicate with assignee, its successors and assigns, any facts known to us respecting this

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invention, and testifying in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title of this invention in said assignee, its successors and assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

IN TESTIMONY WHEREOF, I have hereunto set my hands.

County of Palm Beach
State of Florida

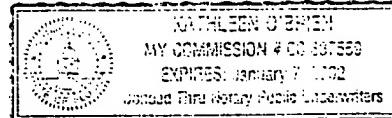
Subscribed and sworn to


Donald L. Schilling

before me this 13 day of
March 2001.


Kathleen O'Brien
Notary Public

SEAL



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IN TESTIMONY WHEREOF, I have hereunto set my hands.

County of Barnstable

State of Massachusetts

Subscribed and sworn to

before me this 5th day of

March 2001.

Jeff Cratco

Notary Public

SEAL

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